

REMARKS

Filed herewith is a Letter to the Drawing Review Branch submitting 26 sheets of formal drawings to be substituted for the informal drawings originally filed with the application.

It is noted with appreciation that claims 13-16 have been indicated to contain allowable subject matter. However, the recasting of those claims in independent form is being deferred pending consideration of this amendment, which is believed to overcome the rejections of the base independent claims.

Claim 11 is rejected under 35 U.S.C. § 112 for improper dependency. It has been amended to correct the dependency thereof from claim 11 to claim 10.

Claims 1-3, 5-8, 10-12, 17-20, 22-24, 26-31 and 38-42 are rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter on the ground that they preempt mathematical algorithms, in that they are not limited to a practical application.

Each of the independent claims 1, 5, 17, 22, 26 and 28 has been amended to recite a method of operating a video gaming machine which “has a video display and an object launch actuator”, “displaying a play field on the video display”, and “activating the object launch actuator and in response thereto” performing a random selection operation. In addition, each of those claims also specifies displaying “on the video display” the simulated movement of the object on or along “the displayed play field.” It is submitted that, as thus amended, each of these claims and the claims dependent thereon, is now clearly directed to statutory subject matter, in that they are limited to a practical application and do not preempt a mathematical algorithm.

Claims 1-12 and 17-42 are rejected under 35 U.S.C. § 102 or 103 as being anticipated by published application no. 2002/0163122 to Vancura, or as being unpatentable over that application in view of patent no. 6,292,568 to Tracy, the latter being cited for a teaching of a simulated Pachinko game.

A fundamental aspect of the invention is the provision of a video gaming machine and the method of operating it which is automatic, in the sense that once the game is initiated, such as by activating the object launch actuator, the operation of the game is controlled by a processor-operated software model of the game, without player intervention. A hallmark of the Vancura system, on the other hand, is that it requires player intervention in that the player must select a path, after which movement along the player-selected path occurs in a random fashion. The whole point of the Vancura system is to introduce player choice (see, e.g., paragraphs 0014 and 0015). In Tracy also the player must make several decisions to determine the outcome of the game (see column 3, lines 8-24). Each of applicants' amended claims, on the other hand, specifies initiation of the game by "activating the object launch actuator and in response thereto" causing a random selection which is run through the computer model "to a final resting condition to determine the outcome."

Each of claims 1, 5 and 38 further requires random selection or determination of a "set of initial conditions" which is then run through the model to produce an outcome. This notion of a "set of initial conditions" which is run through a computer model is not found in the cited art. The only randomness involved is determination of the extent of movement along the player-selected path. Claim 33 similarly recites randomly determining "an origin state" and running it through the model to determine the final outcome. Claims 17, 22 and 26 recite random selection of a path, outcome or end point. Again, these notions are absent from the cited art.

Claims 22 and 26 recite random selection of an outcome or end point and then running the selected outcome or end point in "reverse" through the model to produce a starting point or set of initial conditions, and then running that starting point or set of initial conditions back

through the model to the selected outcome or end point. No such arrangement is disclosed or suggested by any of the cited references.

For all of the foregoing reasons, it is submitted that, as amended, each of the remaining claims 1-42 is now in condition for allowance and the allowance thereof is respectfully asked.

Respectfully submitted,

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